

Application No. 10/701,163  
Amendment A  
Reply to Office Action of February 14, 2005

Remarks/Arguments

The above-identified application has been carefully reviewed and amended in light of the Examiner's communication mailed February 14, 2005.

Applicant appreciates the Examiner's recognition of allowable subject matter in claims 3-4, 7, 9 and 24-33.

Independent claim 1 has been amended to incorporate the limitations of allowable claim 3 therein. Claims 2 and 3 have been cancelled in light of the amendment to claim 1.

Independent claim 16 has been amended to define the invention of allowable claim 7. Claims 17, 18 and 19 have been amended to provide appropriate antecedent basis in light of the amendment to claim 16.

New independent claim 34 has been added to define the invention of allowable claim 9.

Applicant submits that each of claims 1 and 4-34, as presently amended, define subject matter found to be patentable by the examiner.

New independent claim 36 has been added and defines a further embodiment of the invention for which patent protection is sought. New dependent claims 35 and 37 have also been added.

The examiner has rejected claims 1-2 and 5 under 35 U.S.C. 102(b) as being anticipated by Novak. The examiner has rejected claims 6 and 8 under 35 U.S.C. 103(a) as being unpatentable over Novak. Applicant traverses these rejections as pertaining to new independent claim 36.

New claim 36 is directed to an ozone/water mixing system comprising a separating vessel structured to contain and degas an

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ozone/aqueous mixture, the separating vessel including an off-gas outlet placed and structured to vent undissolved ozone gas from the separating vessel, and an ozonated water outlet placed and structured to pass an ozone/aqueous mixture from the separating vessel to an application for use. The system further comprises a venturi injector assembly operatively coupled to the separating vessel and a mixing tower extending into the separating vessel and including an inlet portion structured to receive the ozone/aqueous mixture from the venturi injector assembly, and an outlet portion structured to pass the ozone/aqueous mixture into the separating vessel.

Novak does not disclose, teach or suggest the present invention as defined in new claim 36. For example, Novak does not suggest an ozone/water mixing system comprising a venturi injector assembly coupled to a separating vessel, as recited in new claim 36. Novak's system for treating cyanide and cyanide containing waters employs a turbine gas injector to accomplish high mass transfer of ozone containing gas to an influent.

In light of the above, applicant submits that the present new claim 36 is not anticipated by and are unobvious from and patentable over Novak under 35 U.S.C. 102(b) and 103(a).

The examiner has rejected claims 16-23 under 35 U.S.C. 102(b) as being anticipated by Augustin. Applicant traverses this rejection as pertaining to new claim 36.

Augustin does not disclose, teach or suggest the invention of new claim 36. For example, Augustin does not even suggest an ozone/water mixing apparatus comprising a separating vessel structured to contain and degas an ozone aqueous mixture and a mixing tower extending into the separating vessel and including an inlet portion structured to receive an ozone/aqueous mixture, and outlet portion structured to pass the ozone/aqueous mixture into

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the separating vessel, as recited in new claim 36.

In light of the above, applicant submits that the present new claim 36 is not anticipated by and is unobvious from and patentable over Augustin under 35 U.S.C. 102(b) and 103(a).

The Examiner has rejected claim 16 under 35 U.S.C. 102(e) as being anticipated by Sands et al. Applicant traverses this rejection.

Applicant submits that the subject matter of Sands et al and the claimed invention of the above-identified application were, at the time the presently claimed invention was made, owned by or subject to an obligation of assignment to the same entity. In particular, Sands et al was assigned to Del Industries, Inc. on December 18, 2000, and recorded at Reel 011385, Frame 0905. When the presently claimed invention was made, the present inventor was under a contractual obligation to assign the invention to Del Industries, Inc. In light of the above, applicant submits that Sands et al. is not qualified as prior art.

In any event, Sands et al. does not disclose, teach or even suggest the invention of new independent claim 36. For example, Sands et al. does not even suggest an ozone/water mixing apparatus comprising a separating vessel structured to contain and degas an ozone aqueous mixture and a mixing tower extending into the separating vessel and including an inlet portion structured to receive an ozone/aqueous mixture, and outlet portion structured to pass the ozone/aqueous mixture into the separating vessel, as recited in new claim 36.

In light of the above, applicant submits that the present claims are not anticipated by and are unobvious from and patentable over Sands et al. under 35 U.S.C. 102(b) and 103(a).

The examiner has rejected claims 10-15 under 35 U.S.C. 103(a) as being unpatentable over Novak in view of Augustin. Applicant

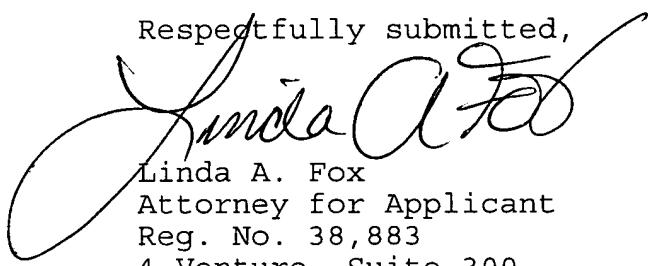
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traverses this rejection as pertaining to the new claims. As remarked hereinabove, neither one of Novak or Augustin discloses, teaches or suggests the invention recited in new claim 36. Applicant further submits that even the combined teachings of Novak and Augustin do not result in the present invention now claimed.

Furthermore, each of the present dependent claims is separately patentable over the prior art. For example, none of the prior art, taken singly or in any combination, disclose, teach or even suggest the present apparatus and systems including the additional feature or features recited in any of the dependent claims. Therefore, applicant submits that all of the present claims are separately patentable over the prior art.

In conclusion, each one of claims 1 and 4-35 defines allowable subject matter as recognized by the examiner. Applicant has shown the new claims 36 and 37 are not anticipated by and are unobvious from and patentable over the prior art under 35 U.S.C. 102 and 103. Therefore, applicant submits that all of the present claims 1 and 4-37 are allowable, and respectfully requests the examiner to pass the above-identified application to issuance at an early date. Should any matters remain unresolved, the Examiner is requested to call (collect) applicant's attorney at the telephone number given below.

Respectfully submitted,



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